



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. PD-0474-19

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**JAMES RAY PENDERGRAFT, Appellant**

**v.**

**THE STATE OF TEXAS**

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**ORDER REGARDING REPRESENTATION  
SMITH COUNTY**

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*Per curiam.*

### **ORDER**

Appellant was convicted of aggravated assault in cause number 007-1264-17 in the 7th District Court of Smith County. Appellant was sentenced to confinement for 35 years. The court of appeals affirmed the judgment of the trial court. Pendergraft v. State, No.12-18-00091-CR (Tex. App. —Tyler, delivered April 17, 2019). The Appellant's Pro Se petition for discretionary review was granted by this Court on October 23, 2019. Appellant is entitled to representation before this Court at this time. See Article 1.051(a)(d)(2), V.A.C.C.P. Appellant is without representation in

this Court. Accordingly, the trial court is ordered to determine if Appellant is currently represented by counsel, and if so, to inform this court who represents Appellant. If Appellant is not currently represented by counsel and desires counsel, the trial court must first determine whether Appellant is indigent. If the trial court finds Appellant is indigent, that court shall appoint an attorney to represent Appellant before this court in regard to PDR No. PD-0474-19, in accord with the provisions of Articles 1.051 and 26.04, V.A.C.C.P. Any hearing conducted pursuant to this order shall be held within 30 days of the date of this order. The trial court's order appointing counsel, any findings of fact, affidavits, or transcription of the court reporter's notes and any other supplementation of the record shall be returned to this court within 45 days of the date of this order.

IT IS SO ORDERED THIS THE 23<sup>RD</sup> DAY OF OCTOBER, 2019.

DO NOT PUBLISH